

## **REMARKS**

Claims 16-17, 19-23, and 25-27 remain in this application. Claims 18 and 24 have been canceled without prejudice. Claims 16 and 25 have been amended to include the limitations of claim 18. Claims 16-17 and 19-25 were rejected as obvious over Wong in view of Bertero et al. Claim 18 was rejected further in view of Suenaga along with these two references. Claims 26-27 were rejected over Wong in view of Bertero et al. and further in view of Rubin et al.

The feature of claim 18, which is now a feature of all remaining claims, is that the seed layer contains at least 35 at% or more and 65 at% or less of Ti, and at least 35 at% or more and 65 at% or less of Al based on the entire composition. This feature provides an advantage realized by the present invention, namely, increasing the crystallographic orientation of the axis of easy magnetization in the direction with the plane of film.. (See page 5, line 17-20, page 34-35 and table 1.)

An important point of the present invention is the limitation of the range of TiAl of the seed layer to obtain a significant advantage such as is obtained by the crystallographic orientation, not the hardness.

Wong and Bertero do not disclose the use of a TiAl seedlayer having 35-65 at% of Ti, and 35-65 at% or less of Al. The Examiner recognizes this and used Suenaga in combination with the other references to reject claim 18.

Suenaga discloses the concentration of Ti and Al in the alloy. And Suenaga also teaches that the range of 3:1 Ti:Al and 1:3 Ti:Al have a good hardness, but the range of 1:1 Ti:Al does not have a good hardness. On the other hand, the range called out in the claims is 35-65 at% of Ti, and 35-65 at% Al, in other words  $1:2 < \text{Ti:Al} < 13:7 < 2:1$ , is different from Suenaga. Furthermore, the advantage of present invention, that is, increasing the crystallographic orientation, is different from that of Suenaga, where the object is increased hardness. Neither

Suenaga or any other reference teaches or suggests the claimed range of TiA1 to obtain the crystallographic orientation.

In view of the above, all remaining claims are in condition for allowance, prompt notice of which is respectfully solicited.

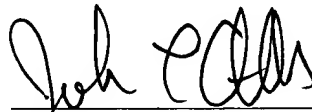
The Examiner is invited to call the undersigned at (202) 220-4200 to discuss any information concerning this application.

Applicants respectfully request a two month Extension of Time to respond to the Office Action of August 19, 2004. The extended period expires January 19, 2005.

The Office is hereby authorized to charge the fee of \$450.00 for a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) and any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

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